

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

David Johnson,

Petitioner,

Civ. No. 09-3481 (PAM/JJG)

v.

**ORDER**

Jessica Symms,

Respondent.

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This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeanne J. Graham dated April 5, 2010. Petitioner David Johnson filed a Petition of Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Subsequently, Johnson filed a Motion for Voluntary Dismissal. Magistrate Judge Graham recommended that Johnson’s Motion be granted and that the Petition be dismissed without prejudice. Neither party has filed any objections to the R&R within the time period permitted. The Court therefore **ADOPTS** the R&R (Docket No. 17).

Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner’s Motion to Voluntarily Dismiss (Docket No. 16) is **GRANTED**;  
and
2. This matter is **DISMISSED without prejudice**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: Tuesday, April 27, 2010

*s/ Paul A. Magnuson*

Paul A. Magnuson  
United States District Court Judge